

Attorney General

Analyst: Burns

Historical Summary

OPERATING BUDGET	FY 2005 Total App	FY 2005 Actual	FY 2006 Approp	FY 2007 Request	FY 2007 Gov Rec
BY PROGRAM					
State Legal Services	14,364,500	14,325,000	15,035,700	17,813,800	14,855,300
Special Litigation	1,903,200	205,400	951,600	951,600	951,600
Total:	16,267,700	14,530,400	15,987,300	18,765,400	15,806,900
BY FUND CATEGORY					
General	16,115,100	14,420,200	15,360,300	18,589,700	15,520,500
Dedicated	152,600	110,200	627,000	175,700	286,400
Total:	16,267,700	14,530,400	15,987,300	18,765,400	15,806,900
Percent Change:		(10.7%)	10.0%	17.4%	(1.1%)
BY OBJECT OF EXPENDITURE					
Personnel Costs	13,627,600	13,500,700	14,289,400	16,886,700	13,952,400
Operating Expenditures	2,640,100	909,100	1,692,600	1,756,500	1,736,500
Capital Outlay	0	120,600	5,300	122,200	118,000
Total:	16,267,700	14,530,400	15,987,300	18,765,400	15,806,900
Full-Time Positions (FTP)	178.65	178.65	180.65	187.15	180.65

Department Description

The Attorney General is an elected constitutional official who serves as the state's chief legal officer. The responsibilities of the office are executed by seven separate divisions budgeted in two different programs.

STATE LEGAL SERVICES:

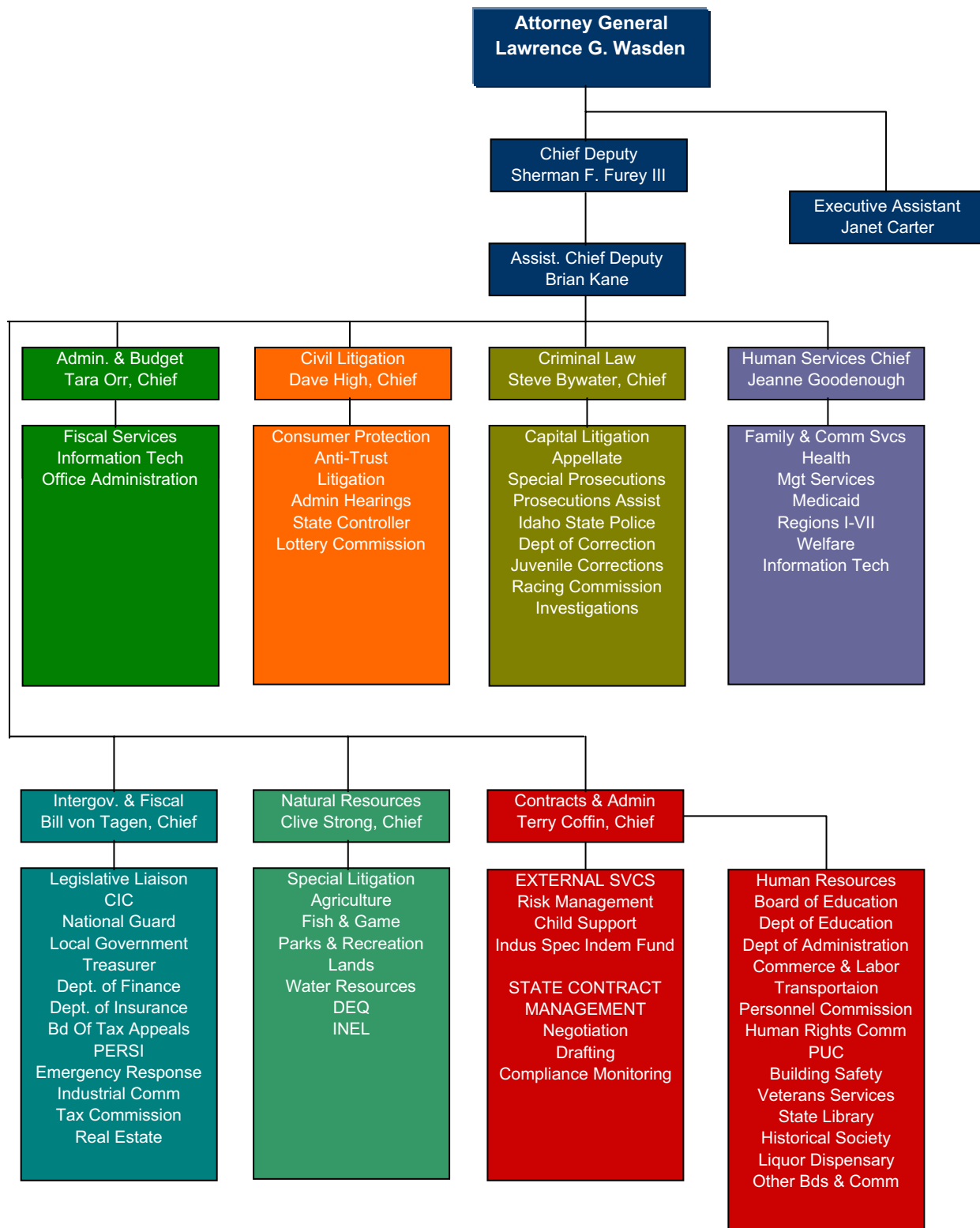
1. Civil Litigation: Provides centralized civil litigation advice and representation in cases for all state agencies, and defends the state in tort claims, actions against the judiciary, employment claims against state agencies, and actions against the Legislature. The Consumer Protection Unit enforces Idaho's consumer protection, telephone solicitation, charitable solicitation, and pay-per-telephone call statutes, as well as other laws.
2. Contracts and Administrative Law: Manages outside legal contracts for the Bureau of Risk Management, the Bureau of Child Support, and the Industrial Special Indemnity Fund, including assignment of cases to outside legal counsel, monitoring and supervision of cases, and review and approval of attorney billings.
3. Criminal Law: Represents the state in criminal appeals before the Idaho Supreme Court, the Idaho Court of Appeals, and in death penalty appeals in state or federal courts. Provides prosecutorial and investigative assistance statewide to counties.
4. Human Services: Provides legal service to the Department of Health & Welfare.
5. Intergovernmental & Fiscal Law: Provides legal advice to the Secretary of State and the State Treasurer, counties, cities, and special districts in the state. Provides legal representation to several state agencies.
6. Natural Resources: Provides legal services to the natural resources agencies, and represents the State of Idaho in current endangered species litigation, Snake River Adjudication, and state timber sales and grazing leases.
7. Administration & Budget: The Administration and Budget Division is responsible for providing support services to the Office of Attorney General. Accounting services provided include payroll, accounts payable and accounts receivable. The division prepares the annual budget request and manages the day-to-day expenditure of funds in accordance with established fiscal and accounting standards. Computer and communication services include management of the office computer and telephone systems.

SPECIAL LITIGATION PROGRAM: Funds are used to engage private legal representation when required due to ethical conflict between governmental entities, hire technical experts when the Attorney General's staff does not have the necessary expertise, and cover the cost of extraordinary unanticipated litigation.

Attorney General Agency Profile

Analyst: Burns

Organizational Chart



Attorney General

Agency Profile

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Sources of Funds

	<u>Percent of Total</u>	<u>FY 2005 Actual</u>	<u>FY 2006 Estimate</u>	<u>FY 2007 Request</u>
1 General Fund (0001-00)	1	14,420,200	17,654,600	18,589,700

The General Fund consists of, "moneys received into the treasury and not specially appropriated to any other fund." The fund sources are individual income tax, corporate income tax, sales tax, cigarette tax, beer tax, wine tax, liquor surcharge, kilowatt hour tax, mine license tax, Treasurer's interest on investments of certain idle state funds, court fees and fines, insurance premium tax, sale of alcoholic beverage licenses, unclaimed property, articles of incorporation and uniform commercial code filing fees, estate and transfer tax, and other miscellaneous sources from various agency receipts.

2 Consumer Protection Fund (0349-04)	0	110,200	155,400	175,700
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Penalties, costs and fees recovered by the Attorney General. At the beginning of each fiscal year any cash in excess of 150% of the current year's appropriation is deposited into the state General Fund.

Total	100%	14,530,400	17,810,000	18,765,400
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Attorney General

Agency Profile

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Special Litigation Summary

	FY 2004 Actual	FY 2005 Actual
GENERAL LITIGATION EXPENSES BY CASE	85,615	98,136
05000 Special Litigation One-Time Charges	1,232.91	8,547.20
05001 U.S. v. Oregon	7,672.81	2,570.22
05015 State v. Deborah Bail	14,840.12	5,029.40
05016 PEA v. Wasden	105.60	194.40
05017 Public Schools ISEEO	8,772.60	5,856.48
05019 Child Sex Abuse Cases	16,000.00	26,250.00
05020 Tobacco	258.31	143.34
05022 Tobacco Litigation	0.00	24,140.96
05024 Big Bucks Bingo	734.38	17,575.41
05025 General Fire & Casualty v. State of Idaho	16,182.70	0.00
05036 Indian Gaming 2002 Initiative	15,155.35	0.00
05070 Planned Parenthood v. Lance	4,659.78	7,420.46
05074 Hayden Lake Fire Protection	0.00	407.71
NATURAL RESOURCES LITIGATION BY CASE	29,085	69,898
05014 State v. Blackbird Mine	4,762.83	4,284.10
05026 Defenders of Wildlife v. USFS/Norton	37.70	207.90
05027 Endangered Species	3,241.19	1,795.54
05030 ICL v. State Priest Lake	2,787.89	2,525.21
05033 CDA Tribe Claims	1,176.02	6,365.32
05042 Lemhi Conservation	259.00	2,080.95
05043 Conjunctive Management - Litigation	0.00	16.50
05045 Natural Resources Interim Comm ESPA	521.53	(660.01)
05046 Triumph Mine	63.00	1,718.41
05051 Sho-Pai Claims	0.00	50,189.52
05059 Idaho Power Relicensing	0.00	49.14
05062 Quiet Title	4,228.64	0.00
05064 Grizzly Bear	10,732.40	(135.10)
05065 Hydropower Relicensing	322.78	23.15
05069 State v. USFS Roadless	951.75	0.00
05300 Imaging	0.00	1,437.14
SNAKE RIVER BASIN ADJUDICATION	22,008	36,321
05004 SRBA General Expenses	5,329.55	4,742.41
05005 SRBA Subcases	212.85	24,565.08
05200 SRBA Forest Service	12,813.64	959.43
05201 SRBA Tribal Claims	3,601.74	6,053.85
05202 SRBA Deer Flat Claims	50.00	0.00
DEATH PENALTY LITIGATION EXPENSES BY CASE	621	1,038
Special Litigation Total	137,328.41	205,391.86

Attorney General

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Comparative Summary

Decision Unit	Agency Request			Governor's Rec		
	FTP	General	Total	FTP	General	Total
FY 2006 Original Appropriation	180.65	15,360,300	15,987,300	180.65	15,360,300	15,987,300
Reappropriations	0.00	1,697,800	1,697,800	0.00	1,697,800	1,697,800
HB 395 One-time 1% Salary Increase	0.00	124,200	124,900	0.00	124,200	124,900
Omnibus CEC Supplemental	0.00	0	0	0.00	142,200	142,900
FY 2006 Total Appropriation	180.65	17,182,300	17,810,000	180.65	17,324,500	17,952,900
Removal of One-Time Expenditures	0.00	(1,827,300)	(2,302,900)	0.00	(1,827,300)	(2,302,900)
FY 2007 Base	180.65	15,355,000	15,507,100	180.65	15,497,200	15,650,000
Benefit Costs	0.00	172,900	173,500	0.00	(232,400)	(233,300)
Inflationary Adjustments	0.00	12,100	13,700	0.00	12,100	13,700
Replacement Items	0.00	131,800	131,800	0.00	0	131,800
Statewide Cost Allocation	0.00	16,400	16,400	0.00	16,400	16,400
Change in Employee Compensation	0.00	123,100	123,700	0.00	227,200	228,300
FY 2007 Program Maintenance	180.65	15,811,300	15,966,200	180.65	15,520,500	15,806,900
1. Market Parity Adjustment	0.00	2,397,500	2,397,500	0.00	0	0
2. Department of Finance	1.00	69,700	69,700	0.00	0	0
3. Idaho State Police	1.00	96,600	96,600	0.00	0	0
4. Transportation Department	1.00	84,300	84,300	0.00	0	0
5. Juvenile Corrections	1.00	84,300	84,300	0.00	0	0
6. Victim Witness Coordinator	0.50	46,000	46,000	0.00	0	0
7. Receptionist & Office Assistant	2.00	0	20,800	0.00	0	0
8. Carry Over Authority	0.00	0	0	0.00	0	0
FY 2007 Total	187.15	18,589,700	18,765,400	180.65	15,520,500	15,806,900
Change from Original Appropriation	6.50	3,229,400	2,778,100	0.00	160,200	(180,400)
% Change from Original Appropriation		21.0%	17.4%		1.0%	(1.1%)

Attorney General

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Budget by Decision Unit

	FTP	General	Dedicated	Federal	Total
FY 2006 Original Appropriation	180.65	15,360,300	627,000	0	15,987,300

Reappropriations

Special Litigation

Reappropriation authority -- otherwise known as carry over -- allows unspent funds from the prior fiscal year to be carried over and spent in the current fiscal year. Those moneys are then removed as one-time expenditures before calculating the FY 2007 Base. Carry over requires specific legislative authorization and must be approved every year. Few appropriations receive reappropriation authority.

Agency Request	0.00	1,697,800	0	0	1,697,800
Governor's Recommendation	0.00	1,697,800	0	0	1,697,800

HB 395 One-time 1% Salary Increase

Reflects a one-time 1% Change in Employee Compensation (CEC) increase.

Agency Request	0.00	124,200	700	0	124,900
Governor's Recommendation	0.00	124,200	700	0	124,900

Omnibus CEC Supplemental

Agency Request	0.00	0	0	0	0
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The Governor's FY 2007 recommendation is a 3% ongoing increase in employee compensation (CEC), based on merit, to commence in FY 2006 with the January 29 pay period. This will allow agencies to fund employee compensation increases for ten pay periods prior to the end of the current fiscal year. Funding for the remaining 16 pay periods is provided in the FY 2007 CEC.

Governor's Recommendation	0.00	142,200	700	0	142,900
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FY 2006 Total Appropriation

Agency Request	180.65	17,182,300	627,700	0	17,810,000
Governor's Recommendation	180.65	17,324,500	628,400	0	17,952,900

Removal of One-Time Expenditures

Removes funding for HB395, the 27th pay period, and other one-time items.

Agency Request	0.00	(1,827,300)	(475,600)	0	(2,302,900)
Governor's Recommendation	0.00	(1,827,300)	(475,600)	0	(2,302,900)

FY 2007 Base

Agency Request	180.65	15,355,000	152,100	0	15,507,100
Governor's Recommendation	180.65	15,497,200	152,800	0	15,650,000

Benefit Costs

Includes the employer-paid portion of estimated changes in employee benefit costs. The two biggest factors are health insurance rates and retirement rates. Health insurance is projected to increase by 6.1% or \$436 per position. Retirement rates are scheduled to increase by 5.9% from 10.39% to 11% of salary for regular employees and by 5.7% from 10.73% to 11.34% of salary for police and firefighters. Other benefit changes include minor adjustments in unemployment insurance rates and workers compensation rates.

Agency Request	0.00	172,900	600	0	173,500
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Removes the PERSI rate increase and changes benefit costs to reflect a 3.5% or \$250 per FTP increase in health insurance costs. However, the change in health insurance providers, from Blue Shield to Blue Cross, has created a one-time opportunity to use unexpended reserves from the previous contract. This decision unit provides for a health insurance premium reduction equal to two month's premiums for both the employer and employee. Finally, a life insurance holiday is included equal to seven month's premium for the employer's share only.

Governor's Recommendation	0.00	(232,400)	(900)	0	(233,300)
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Budget by Decision Unit

	FTP	General	Dedicated	Federal	Total
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Inflationary Adjustments

Includes a general inflationary increase of 1.9% in operating expenditures.

Agency Request	0.00	12,100	1,600	0	13,700
<i>Governor's Recommendation</i>	<i>0.00</i>	<i>12,100</i>	<i>1,600</i>	<i>0</i>	<i>13,700</i>

Replacement Items

Includes \$101,800 for replacement of computer equipment and software, and \$30,000 for two photocopiers.

Agency Request	0.00	131,800	0	0	131,800
<i>The Governor has recommended that the General Fund request for replacement items be financed from the Economic Recovery Reserve Fund.</i>					
<i>Governor's Recommendation</i>	<i>0.00</i>	<i>0</i>	<i>131,800</i>	<i>0</i>	<i>131,800</i>

Statewide Cost Allocation

Includes adjustments in State Controller, State Treasurer, and Risk Management fees.

Agency Request	0.00	16,400	0	0	16,400
<i>Governor's Recommendation</i>	<i>0.00</i>	<i>16,400</i>	<i>0</i>	<i>0</i>	<i>16,400</i>

Change in Employee Compensation

Reflects the cost of a 1% salary increase for permanent and group positions.

Agency Request	0.00	123,100	600	0	123,700
<i>Provides funding for the remaining 16 pay periods to annualize the 3% ongoing change in employee compensation recommended in the omnibus CEC supplemental.</i>					
<i>Governor's Recommendation</i>	<i>0.00</i>	<i>227,200</i>	<i>1,100</i>	<i>0</i>	<i>228,300</i>

FY 2007 Program Maintenance

Agency Request	180.65	15,811,300	154,900	0	15,966,200
<i>Governor's Recommendation</i>	<i>180.65</i>	<i>15,520,500</i>	<i>286,400</i>	<i>0</i>	<i>15,806,900</i>

1. Market Parity Adjustment

State Legal Services

In 2004, attorney salaries averaged 31.8% lower than those with comparable experience employed by local private law firms, and updated numbers indicate that salaries are 22.8% lower than those employed by Ada County. Likewise, salaries for legal secretaries average 11.7% behind the local market and salaries for paralegals are 9.5% behind. Funding is requested to bring the Office of the Attorney General salaries to the market average.

Agency Request	0.00	2,397,500	0	0	2,397,500
<i>The Governor chooses not to recommend line-items for elected officials, but rather defers action to the Legislature.</i>					
<i>Governor's Recommendation</i>	<i>0.00</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>

2. Department of Finance

State Legal Services

Funding is requested to add one deputy attorney general to be assigned to the Department of Finance because of increased workload. This workload has increased because the number of regulatory statutes administered by the department has increased from 14 to 22, the number of registered securities agents has doubled since 1995, and the number of regulated lenders has increased 58%. Payday lenders account for part of this increase. New statutes govern mortgage brokers and mortgage bankers. There are now 1,568 firms being supervised as mortgage brokers or mortgage bankers.

Agency Request	1.00	69,700	0	0	69,700
<i>The Governor chooses not to recommend line-items for elected officials, but rather defers action to the Legislature.</i>					
<i>Governor's Recommendation</i>	<i>0.00</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>

Attorney General

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Budget by Decision Unit

	FTP	General	Dedicated	Federal	Total
3. Idaho State Police					
State Legal Services					
Over the years, the number of deputies assigned to the Idaho State Police has been reduced from four to two. Workloads were reduced as a result of court cases making civil forfeitures of real and personal property in connection with convictions for illegal drug uses and trafficking unconstitutional. The courts have since reversed those decisions. In addition, administrative proceedings against violators of alcohol beverage control laws have been brought into conformance with the Idaho Rules of Administrative Procedures of the Attorney General. This includes research and review of investigative reports, related criminal court proceedings, and other relevant information to draft complaints and engage in discovery. Funding is requested to add an additional Deputy Attorney General to cover the increased workload.					
Agency Request	1.00	96,600	0	0	96,600
<i>The Governor chooses not to recommend line-items for elected officials, but rather defers action to the Legislature.</i>					
Governor's Recommendation	0.00	0	0	0	0
4. Transportation Department					
State Legal Services					
Funding is requested to add one deputy attorney general to be assigned to the Idaho Department of Transportation (ITD) because of increased workload. The caseload per deputy attorney general appears to have more than doubled over the past six years. ITD has paid out a substantial amount of money to special deputy attorneys general to handle legal issues and litigation matters, which could not be handled by existing staff. In 2005, the Legislature enacted a GARVEE Bond program to fund an accelerated highway construction program, and ITD expects to spend about \$1.5 billion over the next seven years on construction projects. This alone is expected to increase workload significantly.					
Agency Request	1.00	84,300	0	0	84,300
<i>The Governor chooses not to recommend line-items for elected officials, but rather defers action to the Legislature.</i>					
Governor's Recommendation	0.00	0	0	0	0
5. Juvenile Corrections					
State Legal Services					
The Idaho Department of Juvenile Corrections (IDJC) has been in existence for ten years. During that time, IDJC has never had more than one deputy attorney to handle all the department's legal matters. However, since that time, the agency has implemented a contracts division, a quality assurance division, and a human resources division. In addition, new systems, such as the Custody Review Board, have been implemented and the department is also seeking to add several citizens' review panels. These citizens' panels would hold meetings all over the state to review the treatment and cases of all juveniles who have been in the department's custody for 18 months. This population of juveniles currently represents about 23% of the entire juvenile population, and will result in numerous hearings requiring legal advice and representation. For these reasons, funding is requested to add one deputy attorney general to be assigned to the Department of Juvenile Corrections.					
Agency Request	1.00	84,300	0	0	84,300
<i>The Governor chooses not to recommend line-items for elected officials, but rather defers action to the Legislature.</i>					
Governor's Recommendation	0.00	0	0	0	0
6. Victim Witness Coordinator					
Provides funding for a part-time criminal victim witness coordinator. This position will free up attorney time and staff time that is better used on other pressing cases and legal issues, while proactively assuring the rights of victims.					
Agency Request	0.50	46,000	0	0	46,000
<i>The Governor chooses not to recommend line-items for elected officials, but rather defers action to the Legislature.</i>					
Governor's Recommendation	0.00	0	0	0	0

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Budget by Decision Unit	FTP	General	Dedicated	Federal	Total
7. Receptionist & Office Assistant					State Legal Services
Funding is requested to replace four part-time positions with two new full-time staff to alleviate problems associated with high turnover, including inconsistencies in work product, and a large investment in training. One receptionist would be added to provide full-time coverage for office reception, and one office assistant would be added to handle functions like photocopying, court filings, and courier services. The part-time positions are currently funded from the Consumer Protection Fund. The additional request for spending authority would be to cover the increased cost in benefit expenses.					
Agency Request	2.00	0	20,800	0	20,800
<i>The Governor chooses not to recommend line-items for elected officials, but rather defers action to the Legislature.</i>					
Governor's Recommendation	0.00	0	0	0	0
8. Carry Over Authority					
The Office of Attorney General is requesting authority to carry forward any unspent dollars in Special Litigation from the fiscal year 2005 and 2006 appropriations.					
Agency Request	0.00	0	0	0	0
<i>The Governor chooses not to recommend line-items for elected officials, but rather defers action to the Legislature.</i>					
Governor's Recommendation	0.00	0	0	0	0
FY 2007 Total					
Agency Request	187.15	18,589,700	175,700	0	18,765,400
Governor's Recommendation	180.65	15,520,500	286,400	0	15,806,900
Agency Request					
Change from Original App	6.50	3,229,400	(451,300)	0	2,778,100
% Change from Original App	3.6%	21.0%	(72.0%)		17.4%
Governor's Recommendation					
Change from Original App	0.00	160,200	(340,600)	0	(180,400)
% Change from Original App	0.0%	1.0%	(54.3%)		(1.1%)